



Application for Employment

It is this agency's policy to provide equal employment opportunities without regard to age, race, color, religion, military status, gender preference, genetic information, sex, marital status, national origin, or disability.

Applicant Name: _____ Email Address: _____

Present Address
City/State/Zip: _____

Home Phone: _____ Mobile Phone: _____

Social Security Number: _____ Are You at Least 18 Years Old? Yes No

Position Applying For: Full Time Part Time Per Visit Part Time Pool Shift: Day Night Evening W/E

Salary Requirements: _____ Date Available _____ If you are not a US citizen, have you the legal right to remain permanently in the US Yes No

Do you have adequate means of transportation to get to work on time each day and when called in on short notice during normal working hours? Yes No

Have you been convicted of a crime (excluding misdemeanors and traffic offenses) and/or released from confinement following a conviction for any criminal offense within the past 7 years? Yes No If Yes, please give date, place and nature of each such conviction.

Are you presently charged with any violation of the law other than traffic violation? Yes No If Yes, please give date, place and nature of each such conviction.

Educational History

Type of School	Name & Location of School	Last Year Attended	Graduated	Degree
High School				
College				
College				
Other		From: To:		

List professional licenses you possess. Indicate type of license, number and state.

List any memberships in professional organizations, honors or activities which you feel would enhance your application, excluding those that would indicate age, race, color, religion, military status, gender preference, genetic information, sex, marital status, national origin, or disability.

List languages spoken other than English:

List other skills applicable to the position for which you are applying, including computer experience, typing speed, etc:

In case of an emergency notify _____ Relationship _____

Out of state contact, if possible
NAME _____ Relationship _____

Work History

Attach an additional sheet listing other work experience pertinent to the position for which you are applying if the space below is insufficient.

Company Name	Complete Address incl City/State/Zip	Phone Number	Supervisor's Name
Date Started Date Left	Type of Business <input type="checkbox"/> Full Time <input type="checkbox"/> Salary <input type="checkbox"/> Part Time <input type="checkbox"/> Per Visit	Reason for Leaving	OK to Contact Supervisor <input type="checkbox"/> Yes <input type="checkbox"/> No

Describe your job title, responsibilities and accomplishments

Company Name	Complete Address incl City/State/Zip	Phone Number	Supervisor's Name
Date Started Date Left	Type of Business <input type="checkbox"/> Full Time <input type="checkbox"/> Salary <input type="checkbox"/> Part Time <input type="checkbox"/> Per Visit	Reason for Leaving	OK to Contact Supervisor <input type="checkbox"/> Yes <input type="checkbox"/> No

Describe your job title, responsibilities and accomplishments

Company Name	Complete Address incl City/State/Zip	Phone Number	Supervisor's Name
Date Started Date Left	Type of Business <input type="checkbox"/> Full Time <input type="checkbox"/> Salary <input type="checkbox"/> Part Time <input type="checkbox"/> Per Visit	Reason for Leaving	OK to Contact Supervisor <input type="checkbox"/> Yes <input type="checkbox"/> No

Describe your job title, responsibilities and accomplishments

NAME _____

PERSONAL REFERENCES: (Name, Phone, Relationship) _____

Please review and sign

In making application for employment:

- I certify that the information in this application is true and complete for all practical purposes. It may be verified by the facility or any affiliate. Should a position be offered and later it is found that the information is significantly untrue, incomplete, or misrepresented, I understand and agree that the facility or its affiliates are relieved of all commitments, financial or otherwise pertinent to employment, and that I am subject to immediate discharge without recourse.
- I understand that an investigative report may be made by a consumer reporting agency to include information as to my character, general reputation, personal characteristics, and mode of living, whichever may be applicable. If such an investigative report is made, I understand that I will receive notice that such report has been requested, and that I will have the right to make a written request for a complete and accurate disclosure of additional information concerning the nature and scope of the investigation.
- I understand and agree that if I am offered employment by the facility, my employment will be for no definite term and that either I, or the facility will have the right to terminate the employment relationship at any time, with or without cause, and with or without notice. I also understand that this status can only be altered by a written contract of employment which is specific as to all material terms and is signed by me and the Administrator of the facility.
- I understand, if I have direct patient contact or contact with patient records, that the agency will perform a criminal history check per Federal Regulation, as well as a check of the Nurse Aide Registry and Employee Misconduct Registry for unlicensed employees. I understand that: 1) the purpose of the Employee Misconduct Registry is to ensure that unlicensed personnel who commit acts of abuse, neglect, exploitation, misappropriation, or misconduct against residents and consumers are denied employment in DADS – regulated facilities and agencies; 2) the State of Texas maintains a registry of all nurse aides who are certified to provide services in nursing facilities and skilled nursing facilities licensed by the Texas Department of Aging and Disability Services (DADS) and they review and investigate allegations of abuse, neglect, or misappropriation of resident property by nurse aides and if there's a finding of an alleged act of abuse, neglect, or misappropriation, the nurse aide may request both an informal reconsideration and a formal hearing before the finding is placed on the registry; 3) All DADS regulated facilities and agencies are required to check the Employee Misconduct Registry and Nurse Aide Registry before hire to determine if I am listed in either registry as having committed an act of abuse, neglect, exploitation, misappropriation, or misconduct against a resident or consumer and am, therefore, **unemployable**.

Release: I hereby authorize any prior employers to provide such information concerning my employment with them as may be requested, and also authorize the Registrar/Placement Office of all educational institutions attended to release an official copy of my transcript and, if available, faculty appraisals. I also authorize any appropriate licensing board to release full information concerning my license status and my license history.

Applicant Signature: _____

Date: _____

FOR OFFICE USE ONLY	<input type="checkbox"/> References Checked	If Hired: Position: Salarly: FT/PT/Per Visit	Start Date:
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Reference Request

Date: _____ Check method of gathering reference data Verbal Mail

Name of person giving reference: _____ Facility: _____

The individual named below is applying for a position as _____ and has given you as a reference. As we place great importance on the thorough screening of all our applicants, we would appreciate a prompt and thoughtful response.

Thank you in advance _____
(Name of Company Representative)

Applicant Release

Applicant _____
Last First MI Maiden

Position Held _____

Social Security # _____ Dates Employed: From _____ To _____

I hereby release from all liability the company or person completing this form, and authorize them to release all information regarding my employment with them. I understand that this information may be released to clients of the requesting company and other requesting third parties on a need to know basis. I also release the requesting company from all liability for any damages from the disclosure of this information.

Applicant Signature Date

1. Please confirm the applicant's employment. From _____ To _____
Date Date

2. Please comment on the applicant's attributes using the following scale:
4 = Excellent 3 = Good 2 = Fair 1 = Poor N/A = Not applicable
Quality of Work _____
Knowledge & Skills _____
Reliability & Attendance _____
Cooperation _____
Competence _____
Supervisory ability & capacity _____
Grooming _____

3. Please indicate specialty areas in which the applicant has had experience: _____

4. Please indicate any special considerations necessary when giving assignments to this individual:

5. IS applicant eligible for rehire? Yes No If no, why not? _____

Please attach any additional comments.

Signature Position/Title Date



Reference Request

Date: _____ Check method of gathering reference data Verbal Mail

Name of person giving reference: _____ Facility: _____

The individual named below is applying for a position as _____ and has given you as a reference. As we place great importance on the thorough screening of all our applicants, we would appreciate a prompt and thoughtful response.

Thank you in advance _____
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Applicant Release

Applicant _____
Last First MI Maiden

Position Held _____

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2. Please comment on the applicant's attributes using the following scale:
4 = Excellent 3 = Good 2 = Fair 1 = Poor N/A = Not applicable
Quality of Work _____
Knowledge & Skills _____
Reliability & Attendance _____
Cooperation _____
Competence _____
Supervisory ability & capacity _____
Grooming _____

3. Please indicate specialty areas in which the applicant has had experience: _____

4. Please indicate any special considerations necessary when giving assignments to this individual: _____

5. IS applicant eligible for rehire? Yes No If no, why not? _____

Please attach any additional comments.

Signature Position/Title Date



Bridgeway Health Services

Employee Criminal History and Misconduct Screening Form

Office: _____ **Date:** _____

Employee name as on driver's license: _____
(need to verify on license)

Maiden name: _____ **Alias names:** _____

Race: _____ **DOB:** _____ **Male** _____ **Female** _____

SS# _____ (need to verify with card)

I certify that the information submitted on this form contains no willful misrepresentation and that the information given is true and correct to the best of my knowledge. I hereby authorize Bridgeway Health Services to conduct a criminal history background check and inquire with the Employee Misconduct and Nurse Aid Registry for any listing of misconduct. I realize that this privileged information and should be used for the exclusive use of this agency (Bridgeway Health Services).

Potential Employee Signature

Date

____ The above named individual IS employable per Criminal Background Check.

____ The above named individual IS NOT employable per Criminal Background Check.

For office use only:

Bridgeway office: _____

I hereby testify that I have called the Employee Misconduct and Nurse Aid Registries at 1-800-452-3934 or resourced via internet the Nurse Aid/Registry site at www.sslsvcs.com/services/registry to determine if the above named individual is listed in either registry as unemployable due to a finding of abuse, neglect, exploitation, misappropriation of a resident/consumer's property of misconduct.

____ The above named individual is not currently listed with EMR/NAR as being unemployable.

____ The above named individual is listed EMR/NAR and is unemployable.

EMR/NAR verified on _____ by _____
Date **Bridgeway Representative**

**DPS Computerized Criminal History (CCH) Verification
(AGENCY COPY)**

I, _____, acknowledge that a Computerized Criminal

APPLICANT or EMPLOYEE NAME (Please print)

History (CCH) check will be performed by accessing the Texas Department of Public Safety Secure Website and will be based on name and DOB identifiers I supply. (This is not a consent form.) Authority for this agency to access an individual's criminal history data may be found in Texas Government Code 411; Subchapter F.

Name-based information is not an exact search and only fingerprint record searches represent true identification to criminal history, therefore the organization conducting the criminal history check is not allowed to discuss with me any criminal history record information obtained using this method. The agency may request that I have a fingerprint search performed to clear any misidentification based on the result of the name and DOB search. Once this process is completed the information on my fingerprint criminal history record may be discussed with me.

In order to complete the process I must make an appointment with the Fingerprint Applicant Services of Texas (FAST) as instructed online at [www.txdps.state.tx.us /Crime Records/Review of Personal Criminal History](http://www.txdps.state.tx.us/CrimeRecords/ReviewofPersonalCriminalHistory) or by calling the DPS Program Vendor at 1-888-467-2080, submit a full and complete set of fingerprints, request a copy be sent to the agency listed below, and pay a fee of \$24.95 to the fingerprinting services company.

(This copy must remain on file by your agency. Required for future DPS Audits)

Signature of Applicant or Employee

Date

Agency Name (Please print)

Agency Representative Name (Please print)

Signature of Agency Representative

Date

Please: Check and Initial each Applicable Space	
CCH Report Printed:	
YES _____ NO _____	_____ initial
Purpose of CCH:	_____
Empl ___ Vol/Contractor ___	_____ initial
Date Printed:	_____ initial
Destroyed Date:	_____ initial
Retain in your files	



Statement of Employability

By execution of this document, I acknowledge that I have been informed by Bridgeway Health Services and agree that the Agency may conduct a State of Texas criminal history check and search the nurse aide registry and the employee misconduct registry to determine if I have a criminal conviction or have committed certain conduct that will bar me from employment with this Agency.

CRIMINAL HISTORY CHECK

I have informed this agency of all names (i.e., maiden, aliases) that I have used in the past. I understand that I have been employed on an emergency basis and that my employment is temporary pending the results of the criminal history check.

I HAVE NOT BEEN CONVICTED OF THE FOLLOWING CRIMES:

- An offense under Chapter 19, Penal Code (criminal homicide);
- An offense under Chapter 20, Penal Code (kidnapping and false imprisonment);
- An offense under Chapter 21.06 Penal Code (solicitation of a child);
- An offense under Chapter 21.11 Penal Code (indecent with a child);
- An offense under Chapter 22.011 Penal Code (sexual assault);
- An offense under Chapter 22.02 Penal Code (aggravated assault);
- An offense under Chapter 22.04 Penal Code (injury to a child, elderly individual, or a disabled individual);
- An offense under Chapter 22.041 Penal Code (abandoning or endangering a child);
- An offense under Chapter 22.08 Penal Code (aiding suicide);
- An offense under Chapter 25.031 Penal Code (agreement to abduct from custody);
- An offense under Chapter 25.11 Penal Code (sale or purchase of a child);
- An offense under Chapter 28.02 Penal Code (arson);
- An offense under Chapter 29.02 Penal Code (robbery);
- An offense under Chapter 29.03 Penal Code (aggravated robbery); or
- An offense the Agency determines to be contraindicated to employment with the consumers the Agency serves.

I acknowledge that if I am found to have been convicted of any other offense(s), that these offenses may also bar my employment.

I understand that all information obtained by this agency regarding any criminal history will remain confidential.

I certify that the information on this form contains no willful misrepresentation and that the information given is true and complete to the best of my knowledge.

Applicant Signature

Applicant's Printed Name

Date

STATEMENT OF EMPLOYABILITY

By execution of this document, I acknowledge that I have been informed by the Agency and agree that the Agency may conduct a State of Texas criminal history check. I agree to a search of the Nurse Aide Registry and the Employee Misconduct Registry prior to employment and at least every 12 months if hired. I understand that these checks will determine if I have a criminal conviction or have committed certain conduct that will bar me from employment with this Agency. I understand that I am unemployable if listed as unemployable in the NAR or EMR per TAC §93.3 and TxH&SC Chapter 253.

Criminal History Check

I have informed this agency of all names (i.e., maiden, aliases) that I have used in the past. I understand that my employment is pending the results of the criminal history check, and that I may not have face-to-face patient contact until results are returned. I will be notified of results.

CONVICTIONS BARRING EMPLOYMENT.

- (A) A person for whom the facility is entitled to obtain criminal history record information may not be employed in a facility if the person has been convicted of an offense listed in this subsection:
- ◆ An offense under Chapter 19, Penal Code (criminal homicide);
 - ◆ An offense under Chapter 20, Penal Code (kidnaping and unlawful restraint);
 - ◆ An offense under Section 21.02, Penal Code (continuous sexual abuse of a young child or children);
 - ◆ An offense under Section 21.08, Penal Code (indecent exposure);
 - ◆ An offense under Section 21.11, Penal Code (indecent with a child);
 - ◆ An offense under Section 21.12, Penal Code (improper relationship between educator and student);
 - ◆ An offense under Section 21.15, Penal Code (improper photography or visual recording);
 - ◆ An offense under Section 22.011, Penal Code (sexual assault);
 - ◆ An offense under Section 22.02, Penal Code (aggravated assault);
 - ◆ An offense under Section 22.021, Penal Code (aggravated sexual assault);
 - ◆ An offense under Section 22.04, Penal Code (injury to a child, elderly individual, or a disabled individual);
 - ◆ An offense under Section 22.041, Penal Code (abandoning or endangering a child);
 - ◆ An offense under Section 22.05, Penal Code (deadly conduct);
 - ◆ An offense under Section 22.07, Penal Code (terroristic threat);
 - ◆ An offense under Section 22.08, Penal Code (aiding suicide);
 - ◆ An offense under Section 25.031, Penal Code (agreement to abduct from custody);
 - ◆ An offense under Section 25.08, Penal Code (sale or purchase of a child);
 - ◆ An offense under Section 28.02, Penal Code (arson);
 - ◆ An offense under Section 29.02, Penal Code (robbery);
 - ◆ An offense under Section 29.03, Penal Code (aggravated robbery);
 - ◆ An offense under Section 32.53 Penal Code (exploitation of a child, elderly individual, or disabled individual);
 - ◆ An offense under Section 33.021, Penal Code (online solicitation of a minor);
 - ◆ An offense under Section 34.02, Penal Code (money laundering);
 - ◆ An offense under Section 35A.02, Penal Code (Medicaid fraud);
 - ◆ An offense under Section 36.06, Penal Code (obstruction or retaliation);
 - ◆ An offense under Section 42.09, Penal Code (cruelty to livestock animals);
 - ◆ An offense under Section 42.092, Penal Code (cruelty to nonlivestock animals); or
 - ◆ A conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed by this subsection.
 - ◆ An offense the Agency determines to be contraindicated to employment with the consumers the Agency serves

- (B) A person may also be barred from employment the duties of which involve direct contact with a client in a facility if convicted of any of the following crimes within the past 5 years:
- ◆ An offense under Section 22.01, Penal Code (assault punishable as a Class A misdemeanor or as a felony);
 - ◆ An offense under Section 30.02, Penal Code (burglary);
 - ◆ An offense under Chapter 31, Penal Code (theft that is punishable as a felony);
 - ◆ An offense under Section 32.45, Penal Code (misapplication of fiduciary property or property of a financial institution), that is punishable as a Class A misdemeanor or a felony; or
 - ◆ An offense under Section 32.46, Penal Code (securing execution of a document by deception punishable as a Class A misdemeanor or a felony) .
 - ◆ An offense under Section 37.12, Penal Code (false identification as a peace officer); or
 - ◆ An offense under Section 42.01 (a) (7), (8), or (9), Penal Code (disorderly conduct).
- (C) In addition to the prohibitions on employment prescribed by Subsections (A) and (B), a person for whom a facility licensed under Chapter 242 or 247 is entitled to obtain criminal history record information may not be employed in a facility licensed under Chapter 242 or 247 if the person has been convicted:
- ◆ Of an offense under Section 30.02, Penal Code (burglary); or
 - ◆ Under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense under Section 30.02, Penal Code.
- (D) For purposes of this section, a person who is placed on deferred adjudication community supervision for an offense listed in this section, successfully completes the period of deferred adjudication community supervision, and receives a dismissal and discharge in accordance with Section 5(c), Article 42.12, Code of Criminal procedure, is not considered convicted of the offense for which the person received deferred adjudication community supervision.

I acknowledge that if I am found to have been convicted of any other offense(s), that these offenses may also bar my employment. I understand that all information obtained by this agency regarding any criminal history will remain confidential.

I certify that the information on this form contains no willful misrepresentation and that the information given is true and complete to the best of my knowledge.

Signature of Applicant

Date

For Agency Use Only: Criminal History, Employee Misconduct Registry (EMR), and Nurse Aide Registry (NAR) checks completed:

Criminal History Check completed on-line Other Convictions identified on Criminal History. (Document reason hiring in Comments below)

NAR EMR checked online at <https://emr.dads.state.tx.us/DadsEMRWeb/>

Applicant employable Applicant not employable Comments: _____

Verified By

Date

CRIMINAL HISTORY / EMR / NAR INFORMATION

INTRODUCTION

Chapter 250 of the Health and Safety Code, Nurse Aide Registry and Criminal History Checks of Employees and Applicants for Employment in Certain Facilities Serving the Elderly or Persons with Disabilities, was enacted in 1993. From 1995 through 2003, the statute was amended several times. The information in this memorandum is provided as an update on issues and common questions related to the requirement to perform criminal history checks and related checks of the NAR and EMR on job applicants and employees. Chapter 250 is available online at: <http://tlo2.tlc.state.tx.us/statutes/statutes.html>.

Chapter 250 requires certain long-term care facilities and home and community support services agencies (HCSSAs) to verify the employability of individuals by conducting a criminal history record check. Facilities and providers are authorized by Chapter 250 (through an amendment in 2001) to obtain criminal history record information directly from the Texas Department of Public Safety (DPS). Chapter 250 also allows the option of using a private agency to obtain DPS crime record information. A search of the DPS crime record database satisfies the minimum requirement under Chapter 250 for a criminal history check on job applicants and employees. Private agencies may offer search possibilities that exceed the minimum requirement, such as obtaining out-of-state crime record information, which is ordinarily not contained in DPS' databases.

All long-term care facilities, home health agencies, and hospices (HCSSAs) licensed by the Texas Department of Aging and Disability Services (DADS) are also required to check the EMR and the NAR to determine the employability of job applicants (employees, contractors, volunteers). The EMR was enacted into law in 1999 in Chapter 253 of the Health and Safety Code, with additional references in Chapter 48 of the Human Resources Code.

**The following questions and answers were taken from the Texas Department of
Aging and Disability Services' letter dated February 6, 2007
with 09/01/09 change to # 4 and 09/01/10 change to # 12**

1. What types of providers or facilities are covered under Chapter 250?

Refer to list of provider and facility types outlined in §250.001(3). The list includes those types that are required to check the NAR and the EMR.

2. On which job applicants and staff personnel are providers required to perform criminal history checks?

Providers are required to check the criminal history record of all employees and applicants (to whom an offer of employment is made) with the following exceptions and conditions:

- Except for applicants at or employees of nursing homes and assisted living facilities, persons licensed under another law of this state are exempt from the requirements of Chapter 250, as outlined in §250.003(a).
- HCSSAs are required to perform criminal history checks on applicants and employees whose duties would or do involve direct contact with consumers, as defined in §250.001(2), unless the applicant or employee is exempt from a criminal history check as outlined in §250.003(a).
- HCSSAs, in accordance with 40 TAC §97.248(b)(1), must also perform criminal history checks on volunteers. An agency that performs criminal history checks through the Texas Department of Public Safety must use the DPS public Criminal History Conviction Database website (and not the DPS Crime Records Service (CRS) Secure Site) to perform criminal history checks on volunteers. In accordance with §250.001 of the Health and Safety Code and §§411.083, 411.84, and 411.1387 of the Government Code, agencies are authorized to access the DPS CRS Secure Site to perform criminal history checks only on job applicants and employees. (See answer to "How can a provider obtain crime record information from DPS?")
- HCSSAs that use independent contractors or "arranged services" (per 40 TAC §97.289) to provide care must ensure that these personnel have appropriate criminal record history checks and that they meet the agency's staffing policies as required in 40 TAC §97.245.

3. Which convictions prohibit employment?

The convictions that prohibit employment are outlined in §250.006. There are 18 separate Texas Penal Code offenses. The 13 convictions listed in §250.006(a) constitute a permanent bar to employment. The five convictions listed in §250.006(b) bar employment for a period of five years from the date of conviction, with the exception of burglary [Section 30.02 (burglary of a habitation or a building) of the Penal Code], which is a permanent bar to employment in nursing homes and assisted living facilities, as outlined in §250.006(c).

In the case of offenses that are not automatic bars to employment, facilities are to consider whether those offenses represent a “contraindication to employment,” per §250.003(a) and (c).

4. Can an individual be employed in an “emergency situation” without a criminal history check?

Section 250.003(a-1) effective 09/01/2009 prohibits employees of HCSSA agency from having face-to-face contact with a patient/client until the agency obtains the employee’s criminal history information and verifies his/her employability.

5. Should a provider notify applicants/employees of criminal history checks?

Providers should inform each applicant that a criminal history check is required before an offer of employment can be made. Providers should inform the applicant or employee of the results of the criminal history screening.

6. How can a provider obtain crime record information from DPS?

DPS (www.txdps.state.tx.us) maintains three websites that provide criminal history information. The information maintained on these sites is part of DPS’ Computerized Criminal History System (CCH), the statewide repository of criminal history data reported to DPS by local criminal justice agencies in Texas. DPS information generally does not include records of offenses in other states, nor does it include federal offenses or offenses under military law. Access to the three sites is at:
https://records.txdps.state.tx.us/DPS_WEB/APP_PORTAL/index.aspx.

The public Criminal History Conviction Database site contains public record information (convictions and deferred adjudications only) and is available to the general public. Use of this site requires completion of an online application, the establishment of a user account, and the purchase of credits to pay for searches.

The Sex Offender Registry website includes public sex offender registration information submitted to DPS by local law enforcement agencies. A search of the Sex Offender Registry does not require a user account, and there is no fee.

The CRS Secure Site is restricted; access is available only to legislatively authorized government entities, criminal justice agencies, and legislatively authorized private entities. Use of this site requires completion of an online application, the creation of a user account; and the purchase of credits to pay for searches. The facilities and providers specified in §250.001(3) are authorized to access this site to obtain criminal history record information on the individuals described in §250.002(a)(1)(2)(3). This site provides the most complete criminal history information; and the fee for searches is approximately two-thirds less than the fee at the public site. Most providers regulated by DADS use this site to do their criminal history searches when the searches are authorized under Chapter 250.

The criminal record reports on individuals run on the CRS Secure Site will typically give identification information (including alias names), arrest details (including dates and arresting agency), information on charges (including the arrest offense, statute citation reference, level of offense, and the arrest disposition), and court record information (including final pleading, disposition and disposition date, and sentencing information, if convicted). On occasion, the data on a report may appear incomplete or missing; in most cases the reason for this is that the local law enforcement agency or court simply has not yet reported the information to DPS. DPS staff, upon request, will contact local authorities to obtain the unreported information. The key information on criminal record reports that should be reviewed by providers is the statute citation reference (to see if the offense matches one of the offenses listed in §250.006) and the disposition data (to determine if the individual was convicted of the offense). Providers should also be mindful of the provision in §250.003(a) and (c) that advises against the hiring of individuals who have convictions (other than those which automatically bar) that would be a "contraindication to employment with the consumers the facility serves."

If a criminal record report appears to be incomplete (e.g., there is no disposition data), or if there is a question about any of the information (numbers, abbreviations, acronyms, etc.) on the report, providers can contact DPS staff for clarification or to request that DPS obtain the disposition data. The main phone number for the DPS Criminal History Inquiry Unit is 512-424-2474. The number for the Error Resolution Unit (the unit that obtains and verifies information such as disposition data) is 512-424-7256. Several crime records technicians are usually available by phone. Providers with questions about criminal record reports should not hesitate to contact DPS if they need clarification or additional information.

7. Is crime record information obtained from DPS confidential?

All criminal record information obtained from DPS is privileged information in accordance with §250.007 of the Health and Safety Code and §411.085 of the Texas Government Code. The information is for the exclusive use of the requesting facility or the private agency on behalf of the requesting facility and the applicant or employee who is the subject of the records search. The records may not be released or otherwise disclosed to any person or agency except on court order, or with the written consent of the person being investigated. A person commits an offense if the person releases or otherwise discloses any information received under Chapter 250 without the authorization described.

8. How is standing as a certified nurse aide affected by criminal history?

The requirements of Chapter 250 apply only to nurse aides' employment in certain licensed facilities serving the aged or disabled; they do not affect nurse aide certification or Nurse Aide Registry listing. This means that after successful completion of training, a nurse aide may be certified and placed on the NAR even in cases where the individual may have a conviction that precludes employment in facilities covered by Chapter 250. As a practical matter, since Chapter 250 prohibits employment "in direct contact with a consumer or client," it would be difficult for nurse aide trainees to be allowed to complete the clinical portion of their training if they have a disqualifying conviction. It is important for prospective nurse aide training students and new employees to understand this before committing themselves to nurse aide training.

9. In Chapter 250, there are references in sections 250.006(a)(14) and 250.006(c)(2) to convictions "under the laws of another state, federal law, or the Uniform Code of Military Justice..." Are providers required to conduct criminal history searches for convictions under these jurisdictions?

Providers may, but are not required to, conduct criminal history record searches for convictions in other states and convictions under federal and military law. However, if a provider becomes aware that an employee or an applicant has a conviction under the laws of another state or federal or military law that is "substantially similar" to one of the Texas Penal Code convictions listed in §250.006, the provider may not employ the individual.

10. Individuals sometimes receive "deferred adjudication" for criminal offenses. Is "deferred adjudication" considered to be a conviction?

"Deferred adjudication community supervision" is provided under Article 42.12 [781D] Section 5 of the Texas Code of Criminal Procedure. In a deferred adjudication with community supervision, the judge may, after receiving the defendant's plea of guilty or nolo contendere (no contest), hearing the evidence, and finding that it substantiates the defendant's guilt, defer further proceedings without entering an adjudication of guilt and place the defendant on community supervision. On successful completion of the period of community supervision, the court may dismiss the proceedings and discharge a defendant. Except for Penal Code §12.42(g) (Repeat and Habitual Offender), a dismissal and discharge may not be deemed a conviction for the purposes of disqualifications or disabilities imposed by law for the conviction of an offense.

11. Criminal history record reports sometimes show offenses that were committed by an applicant or employee when they were a juvenile. How should juvenile offenses be regarded in determining suitability for employment under Chapter 250?

There are significant differences in the criminal justice procedures used to process juvenile and adult offenders. Juveniles may be arrested and charged with the Penal Code offenses listed in §250.006. Juveniles may be prosecuted for crimes as adults. If a juvenile is prosecuted as an adult, the same rules apply to that conviction as to any other adult conviction. However, juveniles may also not be prosecuted as adults but instead go through the juvenile justice system under the Juvenile Code (Title 3 of the Family Code). Juvenile courts conduct adjudication hearings to determine whether a child did, in fact, engage in delinquent conduct. **Under Family Code §51.13(a), an order of adjudication or disposition in a juvenile proceeding is not considered a criminal conviction, with an exception for individuals who reach “habitual offender status.”** An order of adjudication or disposition under the Juvenile Justice Code does not impose any civil disability ordinarily resulting from a conviction, with an exception for the civil commitment of sexually violent predators.

12. How should the EMR and NAR be checked?

All provider types are minimally required to check both the EMR and NAR by searching the Employability Status Check at:

<http://www.dads.state.tx.us/providers/employability/eseach.cfm>

If you need additional information or have specific questions, please contact:

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Policy, Rules, and Curriculum Development
(512) 438-2363

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